

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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FRANCISCO VIDAL; SANDRA
SCHARAS;

Plaintiffs,

v.

LAS VEGAS METRO POLICE
DEPARTMENT; JOE LOMBARDO; STEVE
SISOLAK; J. LINDSEY; J REINERT; K
ZIMMERMAN; A. SCOTT; M. GADDIS;
NEVADA PAROLE & PROBATION;
JAMES WRIGHT

Defendant(s).

Case No. 2:20-cv-00467-RFB-BNW

ORDER

Before the Court is Plaintiff's Motion to Screen Complaint. ECF No. 5. For the following reasons, the Court denies the complaint and closes the case.

On August 1, 2019, Plaintiff filed a complaint in the case Vidal v. Lindsey, No. 19-cv-1334-JAD-BNW ("Lindsey"). Magistrate Judge Weksler screened the complaint and directed Plaintiff to file an amended complaint by March 4, 2020. ECF No. 13 of Lindsey. Plaintiff filed his amended complaint on March 5, 2020, but clerical error resulted in the complaint being docketed as a new complaint and created a new case—this case—instead. ECF No. 1. When Plaintiff notified the Court of the error, the Court issued a minute order confirming that the complaint would be screened as an amended complaint in the Lindsey case. ECF No. 22 of Lindsey. Because the Court shall screen the complaint in the 2019 Lindsey case, the Court shall now dismiss the complaint in this case close the case.¹ See Adams v. Cal. Dep't of Health Servs.,

¹ Plaintiff also has another pending case before the Court concerning similar, but not identical factual allegations as the claims in the 2019 Lindsey case. See Vidal v. Lombardo, No.: 19-cv-1578-RFB-EJY (Lombardo). As explained in its order in that case, the Court will dismiss all claims in Lombardo that are duplicates of the claims raised in Lindsey.

1 487 F.3d 684, 692 (9th Cir. 2007) (court has discretion to dismiss an action that is duplicative of
2 another action).

3 **IT IS THEREFORE ORDERED** that Plaintiff's Complaint (ECF No. 1) is Dismissed
4 without prejudice.

5 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Screen Complaint (ECF No. 5)
6 is DENIED as moot.

7 **IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 6) is
8 DENIED as moot.

9 The Clerk of the Court is instructed to close the case.

10 DATED: May 4, 2020.



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12 **RICHARD F. BOULWARE, II**
13 **UNITED STATES DISTRICT JUDGE**
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